



FOSTER CARE PLAN/ HANDBOOK

TITLE I, PART A - FOSTER CARE PROGRAM



OKLAHOMA
Education

Table of Contents

Purpose

Introduction

Chapter 1: Legal Requirements and Best Practices

- 1.1 Fostering Connections Act
- 1.2 Social Security Act (SSA) Title IV, Part B and Title IV, Part E
- 1.3 Elementary and Secondary Education Act (ESEA)
- 1.4 Oklahoma State Law

Chapter 2: Educational Stability for Students in Foster Care

- 2.1 Identification of Children
- 2.2 IDEA Students
- 2.3 EL Students
- 2.4 Guidelines to Implement the Educational Stability Provisions
- 2.5 Legal Documents
- 2.6 Federal Programs Complaint Procedures

Chapter 3: Transportation for Students in Foster Care

- 3.1 Child Welfare Transportation Financing Basics
- 3.2 Types of Transportation
 - 3.2.1 Children Not Requiring Transportation
 - 3.2.2 Children Requiring Transportation at a Minimal or No Additional Cost
 - 3.2.3 Children Requiring Transportation at a Cost
- 3.3 Funding Sources for Additional Transportation Costs

Chapter 4: Student Data Privacy

- 4.1 Family Educational Rights and Privacy Act (FERPA)
- 4.2 OSDE Personally Identifiable Information Protection Policies
- 4.3 Foster Care Student Data Collection

Resources

Appendices

- Appendix A Definitions and Acronyms
- Appendix B Best Interest Determination Template
- Appendix C Transportation Agreement Sample

Purpose

The Oklahoma State Department of Education (OSDE) in collaboration with the Oklahoma Department of Human Services (OKDHS) and stakeholders have developed the Foster Care State Plan and this handbook to assist local educational agencies (LEAs) in Oklahoma to meet the requirements under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) enacted on December 10, 2015.

The guidance is intended to eliminate barriers for the enrollment, attendance, and school success of children and youth in foster care and provide such children and youth with the opportunity to meet the same challenging state academic standards to which all students are held. The guidance will ensure that foster care children and youth have access to the same free, appropriate public education, including public preschool education, as provided to other children and youth, and that students in foster care are not separated from the mainstream school environment because of foster care placement.

Introduction

Children in foster care often change schools. Enrollment delays and a slow transfer of educational records can have a significant disruptive impact on a student's academic progress. Studies have shown that students in foster care face an increased risk of grade retention, gaps in academic achievement, low high school graduation rates, and low postsecondary enrollment.

Recognizing these adverse educational outcomes, the new foster care provisions under Title I of ESEA require state educational agencies (SEAs) and LEAs to collaborate with child welfare agencies (CWAs) to ensure educational stability and minimize educational disruptions for children in foster care.

Among other requirements, the LEAs must agree to the following assurances -

1. A student in foster care will remain in the student's school of origin, unless a determination is made that it is not in the student's best interest to remain in that school; and,
2. if a determination is made that it is not in the student's best interest to remain in the school of origin, the student will be immediately enrolled in the school of residence, even if the student is unable to produce records normally required for enrollment.

These assurances will help ensure that students in foster care experience minimal disruption to their education during moves and placement changes. In implementing these provisions, SEAs, LEAs, and CWAs must ensure compliance with other applicable laws, such as Title VI of the Civil Rights Act of 1964 (Title VI), the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), among others.

Chapter 1: Legal Requirements and Best Practices

1.1 Fostering Connections Act

In 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. This law amends the Social Security Act

(SSA) Title IV, Part B and Title IV, Part E. The Fostering Connections Act seeks to promote education stability for students in foster care. For students in out-of-home care, child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. As part of this plan, the agency must include assurances that:

- Each placement of the student in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of placement; and
- The state CWA has coordinated with appropriate LEA to ensure that the student remains in the school in which the student is enrolled at the time of placement.

Additionally, the law requires that if remaining in such school is not in the best interest of the student, the case plan must include assurances by the child welfare agency and the local educational agencies that:

- Provide immediate and appropriate enrollment in a new school; and
- Provide all of the educational records of the student to the school.

The Fostering Connections Act supports the well-being of students in out-of-home care by requiring states to provide assurances in their SSA Title IV, Part E state plans that every school - age child in foster care, and every school - age child receiving an adoption assistance or subsidized guardianship payment, is a full-time elementary or secondary school student or has completed secondary school. The Fostering Connections Act increases the types of federal funding that may be used to cover education-related transportation costs for children in foster care. It expands the definition of “foster care maintenance payments” to include reasonable transportation to a child’s school of origin. [Fostering Connections to Success and Increasing Adoptions Act of 2008](#)

1.2 Social Security Act (SSA) Title IV, Part B and Title IV, Part E

The purpose of the SSA Title IV, Part B is to promote state flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families, by –

1. protecting and promoting the welfare of all children;
2. preventing the neglect, abuse, or exploitation of children;
3. supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;
4. promoting the safety, permanence, and well-being of children in foster care and adoptive families; and
5. providing training, professional development and support to ensure.

The purpose of the SSA Title IV, Part E is to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would have been eligible for assistance under the state’s plan approved under part A (as such plan was in effect on June 1, 1995), and adoption assistance for children with special needs, kinship guardianship assistance,

and prevention services or programs specified in section 471(e)(1)38, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part. The funds made available under this section shall be used for making payments to states which have submitted, and had approved by the Secretary, state plans. [Compilation of Titles IV, Part B and IV, Part E and Related Sections of the Social Security Act](#)

A child welfare agency (CWA) administering plans under Title IV, Part E and IV, Part B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan). CWA will have a written educational stability plan for each child that the welfare agency has placement and care responsibility as part of the child's case record.

This plan shall have the following characteristics:

1. It is jointly developed with the child's parents no later than 60 days after a child's removal from the home and every six months thereafter. The child welfare agency has the flexibility to determine which factors will be examined in determining whether remaining in the school of origin is in the child's best interest, but the cost of school transportation should not be a factor in determining the best interest of the child for the purposes of school selection;
2. It provides assurance that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement;
3. It provides an assurance that the child welfare agency has coordinated with the LEA to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records.

These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement. [Social Security Act Section 475\(1\)\(G\)](#)

1.3 Elementary and Secondary Education Act (ESEA)

The ESEA provides grants to states to improve the quality of elementary and secondary education especially for those local educational agencies (LEAs) serving low-income students. Additionally, the ESEA also established SEA and LEA requirements for students in foster care.

SEA Requirements

1. The SEA must provide guidance to LEAs indicating that a student in foster care be allowed to enroll or remain in student's school of origin, unless a determination is made that it is not in such student's best interest to attend the school of origin. The decision must be based on all factors relating to the student's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of placement.
2. The SEA must provide guidance to LEAs indicating that when a determination is made that it is not in a student's best interest to remain in the school of origin, the student is

immediately enrolled in a new school, even if the student is unable to produce records normally required for enrollment.

3. The SEA must provide guidance to LEAs indicating the enrolling school shall immediately contact the school last attended by the student to obtain relevant academic records.
4. The SEA must designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the SEA and LEA ESEA requirements. The OSDE Foster Care Point of Contact (POC) will be identified on the OSDE website. [ESEA Sections 1111\(g\)\(1\)\(E\)](#)

Other SEA Requirements

To achieve the intent of the requirements the SEA must also complete the following tasks.

1. The SEA must facilitate a data sharing agreement with the CWA, consistent with Family Educational Rights and Privacy Act (FERPA) and other federal or state privacy laws, regulations, and policies.
2. The SEA must monitor LEAs to ensure compliance with the LEA foster care requirements. The Office of Title Services (OTS) will monitor each LEA during the ESEA Grant Performance Review and collect a copy of the LEA Foster Care Plan at that time.
3. The SEA must provide professional development opportunities and technical assistance for LEA POCs and other personnel regarding the LEA foster care requirements.
4. The SEA will collect and publicly post the Point of Contact (POC) information for the LEAs on the OSDE website.

LEA Requirements

1. The LEA will collaborate with the state and/or local CWA.
2. The LEA will designate an LEA staff member as the point of contact for the LEA. The foster care point of contact at the LEA level may be the same person designated as the homeless liaison. The contact information will be provided to the Oklahoma State Department of Education (OSDE) each year in the Central Contacts Application on the Grants Management System (GMS). OSDE will generate a list of all LEA POCs and post on the OSDE website each year.
3. The LEA will develop and implement clear written procedures in a Foster Care Plan governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall –
 - a. ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and
 - b. ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if –
 - i. the local CWA agrees to reimburse the LEA for the cost of such transportation;
 - ii. the LEA agrees to pay for the cost of such transportation; or

- iii. the LEA and the local CWA agree to share the cost of such transportation. [ESEA 1112\(c\)\(5\)](#)

Other LEA Requirements

In 2016, the Oklahoma State Department of Education (OSDE) submitted an Oklahoma Foster Care State Plan which indicated that each Oklahoma LEA would create a Foster Care Plan. To achieve the intent of the legal requirements, the LEA must include the following information in the Foster Care Plan –

1. LEA Point of Contact and responsibilities;
2. Decision-making process;
3. The type of documentation or records that should be shared between parties;
4. Collaborative structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process;
5. The best interest determination document regarding the child’s school placement (school of origin or the receiving school);
6. Transportation procedures;
7. Responsibilities and costs related to student transportation;
8. Clear, written policies that will remove barriers to immediate enrollment and record transfers for children in foster care.

Annual State Report Card Requirements

1. All students must be disaggregated by subgroup including children in foster care. [ESEA 1111\(h\)\(1\)\(C\)\(ii\)-\(iii\)](#)

CWA Recommendations

While the ESEA educational stability provisions do not create any new requirements for CWAs, they offer an opportunity for child welfare agencies to better coordinate with SEAs and LEAs to create more effective educational stability plans for children in foster care. Examples of the possible roles and responsibilities of that CWA POC include:

- Serving as one of the primary contacts between children in foster care and school staff, district personnel, and other service providers. The CWA must inform the LEA in writing about the designated person. The LEA will then inform the CWA of its corresponding point of contact.;
- Coordinating with the corresponding LEA POC on implementation of the Title I provisions, including immediate enrollment;
- Establishing a process to notify the LEA when a child has been placed in foster care in the LEA or when there has been a foster care placement change;
- Establishing a process for coordinating on best interest determinations with the LEA;
- Facilitating transfer of records including immunizations, medical records and copies of IEPs and Section 504 Plans;
- Working with LEAs to ensure that children in foster care are immediately enrolled in school, and to coordinate transportation services;
- Managing best interest determination and transportation costs agreements between the LEA and the child welfare agency;

- Providing training to LEA and child welfare agency staff on educational needs of children in foster care including State and local policies;
- Coordinating with the LEA regarding data sharing for children in foster care, consistent with FERPA and the confidentiality of information provisions in the IDEA;
- Coordinating services so that children in foster care can access early educational services for which they are eligible, including Head Start and Early Head Start, home visiting and preschool programs administered by the SEA or LEA, and screening and referrals to health, mental health, dental and other appropriate services;
- Informing parents or education decision makers of children in foster care of the child's education rights and providing public notice of the educational rights of children in foster care to community stakeholders.

1.4 Oklahoma State Law

The authority of the Oklahoma Department of Human Services (OKDHS) to administer a child welfare program is based on the Oklahoma Social Security Act that authorizes OKDHS to provide for the protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent. [OAC 340:75-1-9](#)

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities, per [10A O.S. § 1-1-105](#).

- A. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed, or a designated official for a residential child care facility where a child in foster care has been placed.
- B. Each facility must assure that at least one employee is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally appropriate activities. The authorized facility employee is provided with training on how to use and apply the reasonable and prudent parent standard.

Chapter 2: Educational Stability for Students in Foster Care

2.1 Identification of Children

The ESEA requirements highlight the need to provide educational stability for students in foster care, with particular emphasis on collaboration between SEAs, LEAs, and CWAs to ensure that all school-age children in foster care have the opportunity to achieve at the same high levels as their peers. SEAs, LEAs, and CWAs must ensure compliance with other applicable laws, such as Title VI of the Civil Rights Act of 1964 (Title VI), the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

2.2 Individual with Disabilities Education Act (IDEA)

IDEA is the federal law that assists states, and through them, local school districts, in providing special education and related services to children with disabilities. Under Part B, states and LEAs must make a Free Appropriate Public Education (FAPE) available to all eligible children with disabilities in the least restrictive environment (LRE). FAPE under IDEA includes the provision of special education and related services at no cost to the parents in accordance with a properly developed Individualized Education Program (IEP). [34 C.F.R. §§ 300.101, 300.201 and 300.17](#)

LRE means that to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that the child cannot be educated satisfactorily in regular classes with the provision of supplementary aids and services. [34 C.F.R. §300.114\(a\)](#)

While IDEA presumes that the first placement option considered for each child with a disability is the regular classroom with appropriate supplementary aids and services, there is no one-size-fits-all approach. School districts must make available a range of placement options to meet the needs of children with disabilities for special education and related services, including regular classes, special classes, separate schools, home instruction, and instruction in hospitals and institutions. [34 C.F.R. §300.115](#)

Under the IDEA, each child's placement decision must be made by a group of knowledgeable persons, including the child's parents. This group may also include staff from a CWA. "Parent" is defined in the IDEA at [34 C.F.R. §300.30](#). Note that this definition includes a child's foster parent, unless state law, regulations or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent.

The IDEA requires that the educational placement of each eligible child with a disability, including children with disabilities in foster care, be determined at least annually, and be based on the child's IEP in accordance with the child's individual needs. Unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if not disabled.

In 2013, the Education Department (ED), Office of Special Education and Rehabilitation Services released a "Dear Colleague Letter" on highly mobile children with disabilities which highlighted several important issues that are relevant to educational stability for children in foster care. The DCL emphasized timely and expedited evaluations and eligibility determinations for highly mobile children with disabilities and clarified that such children must have access to comparable services (including summer and other extended school year services, if applicable).

Students with disabilities who are eligible for services under the IDEA are also protected by Section 504, a federal law that prohibits discrimination on the basis of disability by recipients of Federal financial assistance, including public schools. [34 C.F.R. Part 104](#) stipulates that "Students with disabilities who are in foster care are also protected by Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public

entities, including public schools, regardless of whether they receive Federal financial assistance.” [28 C.F.R. Part 35](#)

School districts also must provide FAPE under Section 504 to students who have disabilities, regardless of whether they are eligible for services under the IDEA. FAPE under Section 504 includes the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and that include adherence to specific procedural requirements. [34 C.F.R. § 104.33](#) through [34 C.F.R. § 104.36](#)

An IEP developed and implemented in accordance with the IDEA is one means of meeting the Section 504 FAPE standard. School districts often develop written plans, commonly referred to as Section 504 Plans, for students with disabilities who receive services under Section 504. Even if a student does not require special education services and does not have an IEP, he or she may nevertheless be a student with a disability under Section 504 and be entitled to receive related aids and services under Section 504 Plan.

As is true under the IDEA, Section 504 also requires that, to the maximum extent appropriate, students with disabilities be educated in the regular educational environment, unless they cannot be educated satisfactorily in that environment with the use of supplementary aids and services. [34 C.F.R. § 104.34\(a\)](#)

For additional information on Section 504, see the document entitled *Protecting Students with Disabilities*, available on the website of the Office for Civil Rights, U.S. Department of Education, at: <http://www2.ed.gov/about/offices/list/ocr/504faq.html>.

2.3 English Learners (EL) Students

Some children in foster care are also EL – students identified as having limited English proficiency in speaking, listening, reading or writing English through procedures established by school districts. Title VI [and the Equal Educational Opportunities Act of 1974 (EEOA)] require public schools to ensure that all EL students, including EL students in foster care, can participate meaningfully and equally in educational programs. In order to meet their obligations under Title VI and the EEOA, LEAs must:

- Identify and assess all potential EL students in a timely, valid and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful;
- Sufficiently staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students with disabilities are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in these evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;

- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquired English proficiency and that each program was reasonably; calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time;
- Ensure meaningful communication with Limited English Proficient (LEP) parents. [34 C.F.R. Part 100](#)

Additional information about state and LEA legal obligations under Title VI and the EEOA can be found on the websites of the United States Department of Education’s and United States Department of Justice websites.

2.4 Guidelines to Implement the Educational Stability Provisions

To ensure the implementation of the educational stability provisions for children in foster care under ESEA, OSDE provides the following guidelines and steps to be taken by the appropriate agency:

1. CWA notifies the LEA POC regarding which students are in foster care.
2. CWA informs the LEA POC about a child placement away from parents or guardians and for whom the CWA has placement and care responsibility. The CWA must begin collaboration and consultation with the LEA within 72 hours.
3. The student will enroll or remain in the school of origin, unless a determination is made that it is not in the student’s best interest to attend the school of origin. The LEA POC and CWA should consult and make a joint determination in regard to the best interest of the child. In the event of emergency circumstances, the CWA has the authority to make an immediate decision regarding the school placement, and then consult with the LEA and revisit the best interest determination of the child. See Appendix B for examples of checkpoints to be considered during this determination and a sample form. Transportation costs should not be considered when determining a child’s best interest.
4. If there is disagreement regarding school placement for a child in foster care, the CWA should be considered the final decision maker in making the best interest determination (unless State law or policy dictates otherwise). The CWA is uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child’s permanency goal and other components of the case plan. The CWA also has the authority, capacity and responsibility to collaborate with and gain information from multiple parties, including parents, children, schools and the court in making these decisions.
5. The LEA must collaborate with the CWA to develop and implement clear written procedures governing how transportation is provided to maintain children in foster care in their schools of origin, when in their best interest. The CWA receives funds under Title IV, Part E, and some of these funds may support the transportation costs to maintain the student in the school of origin. Therefore, the CWA must ensure that transportation is provided when needed and will be the agency mainly responsible for paying the

transportation costs within the first 72 hours. Foster care parents may agree to provide and pay for the transportation to the school of origin, but if this is not an option, the LEA shall ensure transportation for the foster care children is provided and reach an agreement with CWA in regards to covering the transportation costs as outlined by ESEA. The LEA and CWA should aim to reach an agreement in regard to how the transportation will be provided, arranged and funded for the duration of the child's time in foster care.

6. The OSDE highly recommends that LEAs reserve 1% of their Title I funds to transport foster care students. If funds are not utilized, the district can reassign funds for usage in other Title I areas.
7. When a determination is made that it is not in a student's best interest to remain in the school of origin, the child is immediately enrolled in the school of residence by the child's foster parent or caseworker.
8. During the enrollment process, the following shall occur:
 - a) The caseworker notifies both schools within one (1) business day of making the decision and sends the required documents to both schools within two (2) business days of making the decision.
 - b) The receiving school shall immediately contact the school last attended by any such child to obtain relevant academic and other records.
 - c) The school of origin is required to transfer non-essential records to the receiving school within three (3) business days of receiving notice from the child welfare agency that the child will be changing schools.

2.5 Legal Documents

Foster care children may be brought to school for enrollment by their foster care parents, social workers or other legal guardians. The LEA has the obligation to immediately enroll these children in school. After immediate enrollment, the following guardianship or legal custody documents shall be provided for verification:

1. Power of Attorney
2. Affidavit
3. Court Order

2.6 Federal Programs Complaint Procedures

CWAs, SEAs and LEAs each bring valuable perspectives to the best interest determination. Recognizing this, both the Fostering Connections Act and Title I require coordination among agencies at the state and local level to ensure the educational stability of children in foster care. Given these coordination requirements, the relevant agencies should make every effort to reach agreement regarding the appropriate school placement of children in foster care. If an agreement is not reached the Federal Programs Complaint Procedures [OAC 210:10-17-1](#) must be followed.

Chapter 3: Transportation for Students in Foster Care

Child welfare agencies (CWA) must ensure that children stay in the school in which the children were enrolled at the time of placement (unless it is not in the children’s best interest to do so). Therefore, CWAs must ensure that transportation is provided when needed.

Federal child welfare reimbursement dollars are available to assist with school transportation costs, but work must be done to determine how these reimbursements will be actualized in each state and jurisdiction.

New federal child welfare education stability requirements apply to all children in care, even though federal child welfare reimbursement is only available for some children in care. Therefore, additional federal or state funding is necessary to ensure transportation for all children in foster care who need to remain in a stable school placement.

3.1 Child Welfare Transportation Financing Basics

States receive federal child welfare funds from a range of sources to support the child welfare services provided to children. The largest funding source is Title IV, Part E of the Social Security Act. Title IV, Part E guarantees federal reimbursement to states for a portion of foster care costs. Title IV, Part E funds are used to provide foster care maintenance payments (FCMP) for children who are “IV, Part E eligible,” as well as for administrative and training costs associated with the foster care program.

In 2007, prior to the Fostering Connections Act, the United States Department of Health and Human Services Administration on Children and Families (ACF) confirmed in its Child Welfare Policy Manual (CWPM) that school transportation for a child to remain in the same school could be reimbursable as a Title IV, Part E administrative cost. After the enactment of the Fostering Connections Act, the CWPM indicated that FCMP reimbursement could include transportation for the child to remain in the school and for the foster parent to travel to attend school conferences at the school in which the child is enrolled at the time of placement. The CWPM also provides additional details on the types of school transportation that are allowable for foster care administrative costs. Specifically, the CWPM makes clear that transportation to extracurricular activities is an allowable administrative expense. Finally, the CWPM states that transportation provided by a caseworker, foster parent or a volunteer transporting a child is reimbursable as an administrative cost.

In 2008, Congress enacted the Fostering Connections to Success and Increasing Adoptions Act (the Fostering Connections Act), which requires that child welfare agencies collaborate with local education agencies to ensure that children remain in the schools they were attending at the time of placement (unless to do so is not in their best interest). Furthermore, the Fostering Connections Act provides that FCMP can include “reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.” The assigned CWA will have additional information regarding the use of these funds.

In July 2010, the ACF released a Program Instruction (P.I.) that reaffirms many of the above clarifications from the CWPM, but also provides additional clarification on when school transportation is reimbursable. It states that FCMP can be used for school stability transportation when a child is initially placed and for all subsequent moves while the child is in care. The P.I. gives the child welfare agency the discretion to determine what is “reasonable” transportation for purposes of FCMP and clarifies that the cost of transportation can be included in the payment provided to the child’s care provider or may be a separate payment made directly to the transportation provider.

Finally, the P.I. clarifies that these transportation costs can be claimed as either maintenance or administrative costs.

3.2 Types of Transportation

3.2.1 Children Not Requiring Transportation

Not every child in foster care requires transportation to remain in his or her current school. As examples, the following categories of children will not require transportation:

Children who are placed within the school boundaries: A critical element of the Fostering Connections Act is that child welfare agencies must make a documented effort to place children within or close to their current school communities. If child welfare agencies are successful in these required efforts, fewer children will need to change schools. Some agencies use mapping tools and data to assess locations and distances to compare where children are being removed to where children are being placed in relation to school boundary lines. In this way, agencies are able to identify the communities where greater emphasis should be placed on recruiting and retaining resource families.

Children whose “best interest” dictates that they should be immediately enrolled in new schools: The Fostering Connections Act specifically requires that “best interest” determinations be made when deciding whether a child should remain in the current school or move to a new school. While the presumption is that children remain in their school, when these best interest determinations are made thoroughly and thoughtfully, the decision for some children will be that it is in their best interest to be immediately enrolled in a new school. In these situations, no special transportation will be needed. [School Selection for Students in Out-of-Home Care](#).

Children who have completed high school: Students who have successfully graduated from high school will no longer need school transportation as they have completed their secondary education. Also, some youth will have received a GED and not be planning to obtain a regular high school diploma. A goal of the school stability requirements of the Fostering Connections Act is to provide youth with opportunities to remain in school or return to school. Of course, youth who have left but will hopefully re-engage should be included in the numbers that may require transportation to achieve school stability.

3.2.2 Children Requiring Transportation at a Minimal or No Additional Cost

Some of the students requiring transportation can be transported for minimal or no additional cost. Here are some examples:

Children who have transportation written into their IEPs because of legitimate special education needs: When a child in care is eligible for special education services under the Individuals with Disabilities in Education Act (IDEA), he or she must have an Individualized Education Plan (IEP) that outlines the child’s education needs and services, including related services. Transportation is a “related service” that must be provided to a child if the IEP team concludes that a child needs transportation to and from his or her special education program. Although transportation will not be added to the IEP for the sole purpose of preserving school stability, transportation for the child to attend his or her special education program may nevertheless support the child remaining in the current school.

Children who live close to or can be dropped off at a bus stop proximate to the existing transportation system for the current school: When students move across school district lines, the issue of transportation obviously becomes more complicated. However, there may be opportunities to transport the child to his or her current school using some or all of the school transportation system that is already in place. Good communication between the current and new school districts is critical. See Appendix B for a sample of a transportation agreement across school district boundaries.

Children who move within the same school district and transportation across the district is available for other reasons: Often, school districts have existing transportation options that allow students to be transported across the district (such as magnet schools, special education students and McKinney-Vento routes). To meet a child’s transportation needs, it may be necessary to add a bus stop to a preexisting bus route or reroute a school bus, steps that can often be taken without much difficulty or additional expense.

Children who have a relationship with an adult whose existing commute complements the child’s transportation need: One way to solve the transportation puzzle is to identify all resources that can help transport the child. Engaging the youth in this search is critical. Individuals who are not the child’s resource parent may nonetheless be able and willing to transport the child.

3.2.3 Children Requiring Transportation at a Cost

Some children will need transportation provided at additional cost. The ESEA is very clear that cost should NOT be a factor in determining the best interest of the child for school selection purposes. Some examples of transportation with associated costs are:

- A foster parent, relative or other adult provides transportation but needs reimbursement for mileage;
- An agency provides the youth or caretaker with bus passes or other public transportation vouchers;
- An agency contracts with a private transportation company to provide a bus/van/car;
- A school district reroutes, or adds a bus to its fleet, to accommodate the transportation needs of children in foster care.

3.3 Funding Sources for Additional Transportation Costs

The ESEA allows for the use of Title I, Part A for additional transportation costs:

1. Even if an LEA does not transport other students, it must ensure that transportation is provided to children in foster care.
2. Transportation must be provided in a “cost-effective” manner so low-cost/no-cost options should be explored:
 - a. Pre-existing bus stops or public transportation
 - b. Foster parents, relative or other adult provides transportation
 - c. Child is eligible for transportation by other programs (e.g. IDEA)
3. “Additional costs” represent the difference between what an LEA would normally spend on transportation to the child’s assigned school and the cost of transportation to the school of origin. Examples of additional costs are:
 - a. An LEA provides the youth or caretaker with bus passes or other public transportation vouchers;
 - b. An agency contracts with a private transportation company to provide a bus/van/car;
 - c. A school district reroutes, or adds a bus to its fleet, to accommodate the transportation needs of children in foster care.
4. Funds reserved for comparable services for homeless children and youth may not be used for transportation of foster care children.
5. All federal funding sources should be maximized to ensure costs are not unduly burdensome on one agent.

Chapter 4: Student Data Privacy

4.1 Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) a federal law that affords parents the right to have access to their children’s education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student (“eligible student”). [34 C.F.R. Part 99](#)

The Uninterrupted Scholars Act, an amendment to FERPA, made it easier for schools to release a child's education records to CWAs without prior written consent from the parents. However, FERPA is clear that the personally identifiable information (PII) disclosed to the CWA can only be used to address the child's educational needs. There are exceptions to consent in FERPA that permit, but do not require, local educational agencies (LEAs) and schools to disclose personally identifiable information (PII) from education records under certain conditions without the written consent of the parent or eligible student. FERPA permits LEAs and schools to disclose education records of students placed in foster care, without consent of the parent or eligible student, to an agency caseworker or other representative of a state or local CWA or tribal organization authorized to access a student’s case plan, when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student.

A “case plan” is defined at 42 U.S.C. 675(1) as a written document that must include a number of specified items that, among other things, must address the proper care of children in foster care placement. The plan also addresses the services that are provided to children in foster care placement, their parents, and their foster parents. The plan also includes, but is not limited to, ensuring the educational stability of children in foster care.

4.2 OSDE Personally Identifiable Information Protection Policies

Effective data privacy protection policies are particularly important for OSDE, because Oklahoma has a robust Open Records Act enabling public access to all agency records that are not specifically exempt under the law. Different data privacy policies apply to personally identifiable information (PII) associated with different sources. The most stringent data privacy principles apply to student data, but specific protections also exist for some teacher data and OSDE personnel information.

The OSDE's protection of student data is governed by the Student Data Privacy, Transparency and Accountability Act of 2013 [70 O.S. § 3-168](#) and the Oklahoma State Board of Education (OSBE) administrative rule under the authority of the Student Data Act that outlines further guidelines for protecting student data [210:1-3-8-1 Student Data Accessibility, Transparency and Accountability Act](#). This rule incorporates the FERPA definition of PII and clarifies how student data is handled in the context of Open Records Act requests. In general, “‘student data’ are not subject to disclosure by the State Department of Education” unless the usual FERPA exemptions apply or the State Board of Education specifically approves the release under certain limited conditions.

4.3 Foster Care Student Data Collection

The Oklahoma Department of Human Services (OKDHS) and the Oklahoma State Department of Education (OSDE) have a data sharing agreement in place under Memorandum of Understanding (MOU) 0003109 signed in 2018 signed by the leaders of both agencies in 2018. Student data is collected via individual district student information systems (SIS) and transferred to the OSDE student information system, currently the [Wave](#). The OSDE’s student information system shares information OKDHS child welfare information system, currently [eKids](#). OSDE seeks to protect all personal identifiable information (PII) and requests that all written communication regarding a student be redacted. If necessary, specific student data can be retrieved with a student testing number (STN).

Resources

- [Fostering Connections to Success and Increasing Adoptions Act of 2008](#)
- [Elementary and Secondary Education Act \(ESEA\) as amended by the Every Student Succeeds Act \(ESSA\)](#)
- [Nonregulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#)
- [Individuals with Disabilities Education Act \(IDEA\)](#)
- [Federal Educational Rights and Privacy Act \(FERPA\)](#)
- [Compilation of Titles IV, Part B and IV, Part E and Related Sections of the Social Security Act](#)
- [Oklahoma Statute, Title 56, Chapter 7](#)
- [The Oklahoma Children's Code](#)
- [Oklahoma Statute, Title 70](#)
 - [70 O.S. § 3-168 Student Data Accessibility, Transparency and Accountability Act](#)
- [2 Code of Federal Regulations \(CFR\), Part 200](#)
- [28 Code of Federal Regulation \(CFR\)](#)
- [34 Code of Federal Regulations \(CFR\), Part 200](#)
- [Oklahoma Administrative Code \(OAC\) Title 210 – State Department of Education](#)
 - [210:1-3-8-1 Student Data Accessibility, Transparency and Accountability Act](#)
 - [210:10-17-1 Federal Programs Complaint Procedures](#)
- [Office for Civil Rights, Protecting Students with Disabilities](#)
- [School Selection for Students in Out-of-Home Care.](#)

Appendices

Appendix A (Definitions and Acronyms)

Appendix B (Best Interest Determination)

Appendix C (Transportation Agreement Between LEAs Sample)

Appendix A (Definitions and Acronyms)

Term	Definition
Child Welfare Agency - Local	Child welfare is a continuum of services designed to ensure that children are safe and that families have the necessary support to care for their children successfully.
Child Welfare Agency - State	The Department of Human Services is the largest state agency in Oklahoma. DHS provides a wide range of assistance programs to help Oklahomans in need including food benefits (SNAP); temporary cash assistance (TANF); services for persons with developmental disabilities and persons who are aging; adult protective services; child welfare programs; child support services; and child care assistance, licensing and monitoring.
Dependency court	When children come to court because a parent has hurt them or not taken care of them, this is a juvenile dependency case.
Foster care or foster care services	Defined as continuous 24-hour care and supportive services provided for an individual in a foster placement, including, but not limited to, the care, supervision, guidance and rearing of a foster child by the foster parent.
Foster child	A child placed in a foster family placement. Foster care children may be placed in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions and pre-adoptive homes. A child is in foster care in accordance with the above definition regardless of whether the foster care facility is licensed, and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. [45 C.F.R. § 1355.20(a)]
Foster child vs. homeless	A child in state custody (including, but not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions and pre-adoptive homes) falls under the foster care guidelines, and is not considered homeless.
Foster parent	Any person maintaining a therapeutic, emergency, specialized community, tribal, kinship or foster family home responsible for providing care, supervision, guidance, rearing and other foster care services to a child.
Guardian	A person appointed by a court to ensure the essential requirements for the health and safety of an incapacitated or partially incapacitated person, the ward, are met, to manage the estate or financial resources of the ward, or both. Guardian includes: a general or limited guardian of the person; a general or limited guardian of the estate; a special guardian; and a temporary guardian. The term does not include a person appointed as guardian ad litem.
Guardian ad litem or "GAL"	A person appointed by a court, per 10 O.S. § 1415 , to represent the interests of an individual as specified in the court order.

Protective custody	When custody of a child is taken by law enforcement or designated employee of the court without a court order.
Out of home placement	<p>When a child does not meet the criteria for and is placed in any of the following entities which is out of the home of the child and not in the school district in which the child legally resides: 1. A residential facility; 2. A treatment program or center, including the facility operated pursuant to Section 485.1 of Title 63 of the Oklahoma Statutes; 3. A therapeutic foster family home as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes; 4. A specialized foster home, which is a specialized foster home or an agency-contracted home under the supervision of and certified as meeting the standards set by the Department of Human Services and funded through the Department of Human Services Home and Community-Based Waiver Services Program; or 5. An acute psychiatric care facility. The entity shall, if the child contends he or she resides in a school district other than the district where the entity is located, within eleven (11) days of admittance, notify the school district in which the entity is located of the admittance. For minors who are persons requiring psychiatric treatment as defined by Title 43A of the Oklahoma Statutes, on-site educational services shall be provided beginning on the eleventh day of admission.</p> <p>Upon provision of educational services to children pursuant to the provisions of subsection F of this section, the receiving school district shall receive the State Aid as defined in subsection C of Section 18-110 of this title for those students. Access to the due process procedure guaranteed to children with disabilities shall be available to resolve disagreements about the appropriateness of placements of children with disabilities. [70 O.S. § 1-113 School Laws of Oklahoma 2016]</p>
School age in Oklahoma	<p>All children between the ages of five (5) on or before September 1, and twenty-one (21) years on or before September 1, shall be entitled to attend school free of charge in the district in which they reside. [70 O.S. § 1-114 School Laws of Oklahoma 2016]</p> <p>The several school districts of Oklahoma are hereby authorized to provide special education and related services necessary for children with disabilities as hereinafter defined. Two or more school districts may establish cooperative programs of special education for children with disabilities when such arrangement is approved by the State Board of Education. Funds may be expended for school services for an additional period during the summer months for approved programs for qualified children with disabilities, provided their Individualized Education Program (I.E.P.) states the need for extended school year special education and related services. Children with disabilities shall mean children, as defined in the Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17, who are three (3) years of age. [70 O.S. § 13-101 School Laws of Oklahoma 2016]</p>

	All children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled to attend half-day or full-day early childhood programs at any public school in the state where such programs are offered, provided no child shall be required to attend any early childhood education.
School age children under federal law	The term “children” includes children through age 21 who are entitled to a free public education through grade 12. [34 C.F.R. § 200.103(a)(1)] If an LEA offers a public preschool education, the LEA must meet the Title I requirements for children in foster care in preschool, ensuring that a child in foster care remains in his or her preschool of origin, unless a determination is made that it is not in the child’s best interest. [ESSA Section 1111(g)(1)(E)]
School of origin	The school of origin is the school in which a child is enrolled at the time of placement in foster care. An SEA and its LEAs must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child’s best interest. [ESEA section 1111(g)(1)(E)(i)]. If a child’s foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.
School of origin duration	For the duration of the child’s time in foster care, each such child remains in his or her school of origin, if it is determined to be in their best interest [ESEA sections 1111(g)(1)(E)(i) and 1112(c)(5)], consistent with the educational stability requirements under the Fostering Connections Act.
School of Residence	The legal residence of the parents, guardian or person having legal custody. The foster family home, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, except a therapeutic foster family home or a specialized foster home where a child is in voluntary placement as defined in subsection D of this section, in which the child has been placed: (a) by the person or agency having legal custody of the child pursuant to a court order, or (b) by a state agency having legal custody of the child pursuant to the provisions of Title 10A of the Oklahoma Statutes. Upon request of the foster parent, the residence of a child in foster care for school purposes may be changed to the school district in which the child resided prior to being placed in foster care or the school district in which the previous foster family home of the child is located. [70 O.S. § 1-113 School Laws of Oklahoma 2016]
Receiving school	The school where the foster child is placed/enrolled due to the foster care parent’s residency.

Types of Foster Care: Family Foster Care	Provides 24-hour-a-day substitute temporary care and supportive services in a home environment for children in OKDHS custody, from birth to 18 years of age.
Types of foster care: Interstate Compact on the Placement of Children (ICPC)	A law enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands which ensures protection and services to foster children placed into and out of Oklahoma. These placements are made only in the event that an appropriate placement cannot be found in the home state and there exists an appropriate out-of-state placement with which the child has an existing connection, be it family member or other individual with close kinship ties. The decision about whether or not to place a foster child across state lines is made by the child’s caseworker. To be considered as a possible ICPC foster care placement for a custody child, you must contact the child’s caseworker. If you do not know the name of the child’s caseworker, additional assistance may be available through the State ICPC Offices
Types of Foster Care: Therapeutic Foster Care (TFC)	A residential behavioral management service provided in foster home settings. TFC is designed to serve children ages 3-18 who have special psychological, social, behavioral and emotional needs. Children in TFC can accept and respond to close relationships within a family setting yet have special needs which require more intensive or therapeutic services than are found in traditional foster care.
Types of Foster Care: Tribal Foster Care	Provides services to Indian children and families in compliance with federal and state regulations. OKDHS seeks to ensure compliance with the federal and state Indian Child Welfare Acts in all program areas. Oklahoma tribes are responsible for certifying tribal foster homes.

Acronyms

<p>CWA = Child Welfare Agency EL = English Learners FAPE = Free Appropriate Public Education FCMP = Foster Care Maintenance Payment FERPA = Family Educational Rights and Privacy Act HHS = Health and Human Services IDEA = Individuals with Disability Education Act IEP = Individualized Education Program LEA = Local Educational Agency LEP = Limited English Proficient LRE = least restrictive environment MOU = Memorandum of Understanding OKDHS = Oklahoma Department of Human Services OSDE = Oklahoma State Department of Education POC = Point of Contact SEA = State Educational Agency USDE = United States Departments of Education</p>

Appendix B (Best Interest Determination Template)



The Best Interest Determination

Child's name _____ Date of birth _____ Age _____ Grade _____

Date _____ Current district _____

Current site	School of origin	Receiving school	Previous school
Which school will better meet the relational needs of the child? Select all that apply:	(A)	(B)	(C)
<input type="checkbox"/> Siblings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Relationships with peers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Relationships with staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe the relationship connections at current school:			
List strategies for maintaining important connections should other best interest determination be made:			
Which school will better meet the individual academic needs and challenges of the child? Select all that apply:	(A)	(B)	(C)
<input type="checkbox"/> IEP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 504 Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Gifted program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Career Tech	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> English Language (EL) Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which school will better meet the social/emotional needs and challenges of the child? Select all that apply:	(A)	(B)	(C)
<input type="checkbox"/> Social	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Emotional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	School of origin	Receiving school	Previous school
Which school will better meet the unique needs and interests of the child? Select all that apply:	(A)	(B)	(C)
<input type="checkbox"/> Extracurricular activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Sports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe the student's desired areas of school involvement:			
	(A)	(B)	(C)
Which school will best meet the permanency goal and likelihood of reunification with parents or siblings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain:			
	(A)	(B)	(C)
Which school is more appropriate for the child's age and length of travel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain:			
Describe the child's transfer history:			
	(A)	(B)	(C)
Which school does the student prefer to attend?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which school does the caregiver or current placement provider recommend the student attend?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain:			
Identify strategies for successful transition to new school and/or support in current school:			

Supporting Documentation





Attach any supporting documentation used to determine best interest of child:

- Report cards
- Progress reports
- Achievement data (test scores)
- Attendance data
- IEP or Section 504 plans
- Other: _____

Determination

Based on the information provided and considering the best interest of the child, the team has determined the following school is the most appropriate educational placement for the child:

Team members

Local Education Agency (LEA) representative	 LEA signature	Date
Child Welfare Agency (CWA) representative	 CWS signature	Date
Education decision maker	 Education signature	Date
Other	 Other signature	Date

Best Interest Determination Factors

- Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered. These factors include the appropriateness of the current educational setting and proximity of placement. [ESEA section 1111(g)(1)(E)(i)]. Listed in no particular order, these factors may include:
 - Safety considerations;
 - Proximity of the resource family home to the child's present school;
 - Age and grade level of the child as it relates to the other best interests factors;
 - Needs of the child, including social adjustment and well-being;
 - Child's performance, continuity of education and engagement in the school the child presently attends;
 - Child's special education programming if the child is classified;
 - Point of time in the school year;
 - Child's permanency goal and likelihood of reunification;
 - Anticipated duration of the placement;
 - Preferences of the child;
 - Preferences of the child's parent(s) or education decision maker(s)
 - The child's attachment to the school, including meaningful relationships with staff and peers;
 - Placement of the child's sibling(s);
 - Influence of the school climate on the child, including safety;
 - Availability and quality of the services in the school to meet the child's educational and socio-emotional needs;
 - History of school transfers and how they have impacted the child;
 - How the length of the commute would impact the child, based on the child's developmental stage;
 - Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
 - Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.

Appendix C (Transportation Agreement Sample)

RE: Transportation of Foster Care Students

Dear Superintendent and Child Welfare Agency (CWA):

Fostering Connections Act (P.L. 110-351) is a federal law that protects and seeks to promote education stability for students in foster care. Under this Act, transportation to school must be provided to an enrolled foster care student, even though the student may be physically located in a different school district. Oklahoma law, however, prohibits school buses from crossing the transportation boundaries of another district, with a few exceptions. One such exception is by the mutual agreement of the local boards of education. This letter is intended to be a Transportation Agreement designed to comply with legal requirements in the event that a participating school district must provide transportation services to a foster care child who is physically located in another participating school district.

The Elementary and Secondary Education Act (ESEA) Section 1112(5)(B) stipulates: “If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if:

- the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
- the local educational agency agrees to pay for the cost of such transportation; or
- the local educational agency and the local child welfare agency agree to share the cost of such transportation.”

In order to comply with ESEA and to ensure educational stability, the receiving district and the CWA should aim for reaching an agreement in regard to how the transportation will be provided, arranged and funded for the duration of the child’s time in foster care. This letter is also intended to be a Transportation Agreement between the district and CWA, designed to comply with ESEA requirements in terms of transportation costs.

If you wish to participate in the Agreement, please have this document approved by the board of education and provide me with a signed copy of the Agreement. I will then provide each of the participating parties with an executed copy.

Respectfully,

Foster Care Coordinator

Child Welfare Agency Name:			
Sending School District Name:			
Sending School Transportation Cost:			
Board Clerk Name and Signature:			Date:
Receiving School District Name:			
Receiving School Transportation Cost:			
Board Clerk Name and Signature:			Date: